

Notice of Allowability**Application No.**

10/054,261

Examiner

Callie E. Shosho

Applicant(s)

LATUNSKI ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/22/04 and telephonic interview conducted 4/6/04.
2. ☒ The allowed claim(s) is/are 1-111.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/6/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) In the specification, page 1, line 2, after "May 3, 2001," and before "which", insert "now U.S. Patent No. 6,646,025, issued November 11, 2003,".

(2) Claim 2, line 2, after "polyol" and before "selected", delete "is".

(3) Claim 40, line 2, after "polyol" and before "selected", delete "is".

(4) Claim 43, line 5, after "thereof", delete the second period.

(5) Claim 93, line 2, after "a" and before "vinyl", insert "hydrogen bonding".

(6) Claim 105, line 3, after "cellulosic resins,", delete "and modifications thereof,".

(7) Claim 106, line 2, after "the" and before "vinyl", delete "acid-functional", and insert "hydrogen bonding".

Art Unit: 1714

2. Authorization for this examiner's amendment was given in a telephone interview with Anna Budde on 4/6/04.

Statement of Reasons of Allowance

3. The present claims are allowable over the “closest” prior art Krishnan et al. (U.S. 5,778,789) for the following reasons:

Krishnan et al. disclose lithographic ink comprising water, polymer including vinyl polymer comprising hydrogen bonding groups, and weak acid or base.

However, Krishnan et al. disclose lithographic ink comprising water as the continuous phase. This is in direct contrast to the present claims that require lithographic ink comprising continuous phase comprising hydrogen bonding vinyl polymer and emulsified phase comprising member selected from the group consisting of water, liquid polyol, or combinations thereof. Further, with respect to present claims 39-92, it is noted that there is no disclosure or suggestion in Krishnan et al. of branched hydrogen bonding vinyl polymer, with respect to present claims 91-92, it is noted that that there is no disclosure or suggestion of emulsified phase having Hansen solubility parameter value, dispersion parameter value, polarity parameter value, and hydrogen bonding parameter value as claimed, with respect to present claims 93-106, 108-109, and 111, it is noted that there is no disclosure or suggestion in Krishnan et al. of hydrogen bonding vinyl polymer with polydispersity of at least about 15, and with respect to claim 107, there is no disclosure or suggestion in Krishnan et al. of method of making a lithographic ink comprising combining a first composition comprising hydrogen bonding vinyl polymer and second composition comprising member selected from the group consisting of water, liquid polyol, or combinations thereof whereby an ink is formed having as a continuous phase the first composition and as a discontinuous phase the second composition.

Thus, it is clear that Krishnan et al. do not disclose or suggest the present invention.

In light of the above, it is clear that the rejections of record are untenable and so the present claims are passed to issue.

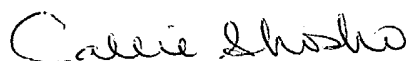
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
4/6/04